

RESOLUTION NO. 2020-68

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, PROVIDING FOR THE UNIFORM METHOD OF LEVYING, COLLECTING AND ENFORCING NON-AD VALOREM ASSESSMENTS FOR STORMWATER SERVICES IN ACCORDANCE WITH THE PROVISIONS OF SECTION 197.3632, F.S. THROUGHOUT THE INCORPORATED AREA OF THE VILLAGE; PROVIDING FOR AUTHORIZATION; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Village of Key Biscayne (“Village”) has created a stormwater utility as set forth in Chapter 29, Section 29-1, et seq., of the Village’s Code of Ordinances (the “Code”); and

WHEREAS, Section 197.3632, Florida Statutes establishes a uniform method for the levy, collection and enforcement of non-ad valorem assessments (the “Uniform Method”); and

WHEREAS, Section 197.3632, Florida Statutes, authorizes the Village to elect to utilize the Uniform Method; and

WHEREAS, the Village Council desires to use the Uniform Method for the purpose of collecting stormwater utility fees; and

WHEREAS, prior to the adoption of this Resolution, the Village Council advertised and conducted a public hearing, as shown on the advertisement and proof of publication attached hereto and incorporated herein as Exhibits “A” and “B,” respectively; and

WHEREAS, pursuant to Section 197.3632, Florida Statutes, the legal description of the properties which may be subject to the levy of non-ad valorem assessments is attached hereto and incorporated herein as Exhibit “C;” and

WHEREAS, the Village Council finds that this Resolution is in the best interest and welfare of the residents of the Village.

**NOW, THEREFORE, BE IT RESOLVED BY THE VILLAGE COUNCIL OF THE
VILLAGE OF KEY BISCAYNE, FLORIDA, AS FOLLOWS:**

Section 1. **Recitals.** That each of the above-stated recitals are hereby adopted, confirmed, and incorporated herein.

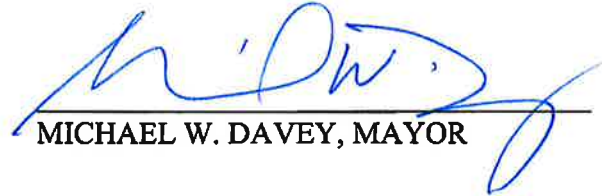
Section 2. **Intent.** Commencing with the 2022 Fiscal Year, concluding September 30, 2022, the Village of Key Biscayne intends to use the uniform method of collecting non-ad valorem assessments as authorized by Section 197.3632, Florida Statutes, as amended from time to time, for stormwater fees. Such non-ad valorem assessments will be levied within the incorporated area of the Village, as described in Section 1.03 of the Village Charter. A legal description and a map of the area which may be subject to the non-ad valorem assessment is attached hereto and incorporated herein as Exhibits “C” and “D,” respectively. The non-ad valorem assessments and the Village’s use of the uniform method of collecting its non-ad valorem assessments may continue for more than one year.

Section 3. **Authorization.** That the Village Council hereby authorizes the Village Manager to implement the intent and purpose of this Resolution by, including but not limited to, notifying the Miami-Dade County Property Appraiser’s office, the Tax Collector and the Department of Revenue for the State of Florida of the Village’s intent to collect stormwater fees by using the uniform method of collection and entering into a written agreement with the Property Appraiser and Tax Collector for this purpose, subject to the approval of the Village Attorney as to form, content, and legal sufficiency.

Section 4. **Direction to Village Clerk.** The Village Clerk is hereby directed to send certified copies of this Resolution to the Miami-Dade County Property Appraiser, Miami-Dade County Tax Collector, and the Florida Department of Revenue.

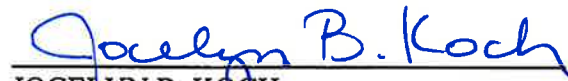
Section 5. **Effective Date.** That this Resolution shall be effective immediately upon adoption.

PASSED and ADOPTED this 8th day of December, 2020.



MICHAEL W. DAVEY, MAYOR

ATTEST:



JOCELYN B. KOCH
VILLAGE CLERK

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:



WEISS SEROTA HELFMAN COLE & BIERMAN, P.L.
VILLAGE ATTORNEY

EXHIBIT A

COPY OF

**NOTICE BY THE VILLAGE OF KEY BISCAYNE
OF INTENT TO USE THE UNIFORM AD VALOREM
METHOD OF COLLECTION OF A
NON-AD VALOREM ASSESSMENT**

FROM PAGE 21A

PATA

Department also declined to comment about the ESPN story on what remains an open investigation.

Several Pata family members, including siblings and his mother, had not returned phone calls or texts to the Miami Herald by Wednesday afternoon.

But Dave Howell, one of Pata's best friends and a former teammate, said police should continue to pursue all leads in the case.

"It's been so long and there hasn't been any more information that's led to an arrest," he told the Herald. "And that just leads to more frustration for the family."

Pata was a 22-year-old senior and budding star who he was shot in the back of the head and killed outside his home at the Colony Apartments in Kendall on Nov. 7, 2006. Pata, who was expected to be a high NFL draft pick, had just returned from practice.

There were no direct eyewitnesses to the shooting.

The police department's homicide bureau had long been tight-lipped about details of the investigation, but eventually released some documents to ESPN.

ESPN's report suggested that Jones appeared to be the most viable suspect. The network found one police records cover sheet that described Jones as a "suspect" but without explaining why.

The documents obtained by ESPN also revealed that in the hours after the shooting, Jones — who had been suspended because of a third positive marijuana test — skipped a mandatory team meeting at the campus athletic center. The story also says Jones changed his phone number on the day of the shooting and asked another student athlete "to borrow money to go out of town."

The sports network first began working on the story in 2017, but the relationship with Miami-Dade Police soured. When the network went to court to ask for more police records, a judge declined to release them, citing an open investigation. But during that court hearing, then-homicide Lieutenant Joseph Zancanato testified that there was a "primary person of interest."

"We have a strong belief who killed Bryan Pata," Zancanato said, according to ESPN.

Charles Rubin: 305-376-3672,
@chuckrabin

ELECTION 2020

Political newcomer, five-time candidate face off in North Miami Beach runoff

BY AARON LEIBOWITZ
aaron.leibowitz@miamiherald.com

An employee of the city of North Miami and a retired teacher will go head to head in a runoff election Tuesday to decide who will replace Phyllis Smith on the North Miami Beach City Commission.

Daniela Jean, a first-time candidate who works in the risk management department in neighboring North Miami, finished first in the Nov. 3 general election with about 34% of the vote in a six-person field. Margaret "Margie" Love, who is running for city commission for a fifth time, finished second with 19%.

Because no candidate took a majority of the votes, the top two finishers will now face off. The winner will become the lone new face in North Miami Beach politics.

Smith is termed out after nearly 16 years in office. Mayor Anthony DeFilippo and Commissioners Michael Joseph and McKenzie Fleuri-mond each defeated a challenger Nov. 3 to maintain their seats.

Jean, 34, is an administrative coordinator in North Miami's risk management division and has worked in local government for about eight years. She was born in Paris and moved to North Miami Beach with her parents, who are Haitian-born, when she was 6 years old.

Jean touts her status as a millennial and refers to herself as a "born leader" and a "problem solver." She teaches American Sign Language to school-age kids and authored a self-help e-book, called "5Gs of Success."



Daniela Jean, left, and Margaret 'Margie' Love are the two candidates in a Nov. 17 runoff for a North Miami Beach city commission seat.

"I'm a millennial, I'm innovative, I'm a leader," she said.

Jean declined to say how she might have handled two critical recent decisions by the city commission: one to terminate a contract for private operation of the city's water utility, and another to approve a \$1.5 billion redevelopment of the Intracoastal Mall.

Instead, she said she prefers to look forward and ensure residents will benefit from those changes.

"What we want is that the promises that should be yielded from the decision [should be] actually followed through," Jean said of the water utility contract, citing the jobs that may be offered to employees of Jacobs Engineering as North Miami Beach transitions back to city control.

Other key issues, Jean said, include resident concerns about high water bills, more police patrols to prevent speeding, and investing more money from the city's community redevelopment agency in small and minority-owned businesses.

Some of the city's neighborhoods aren't as well-kept as they should be, she added.

"Residents want more from the city," Jean said. "They want to see improvements in their area. They want to know they have an advocate."

Love, 68, ran unsuccessfully for North Miami Beach city commission in 2011, 2013, 2015 and 2018. She says her first few campaigns were made more challenging by her career teaching kindergarten in the Miami-Dade County Public Schools. But she has since retired and learned what it takes to knock on doors and run a campaign, she told the Herald.

"In the beginning, no one told me what you have to do to win an election," she said.

One thing hasn't changed, though: Love isn't accepting campaign contributions, instead pouring more than \$45,000 of her own money into her campaign.

Love told the Herald an experience she had in 2010, when she was the victim of a crime and was assisted by North Miami Beach police, moved her to become a Neighborhood Crime Watch advocate. She organized meetings for residents at City Hall and brought in expert speakers, she said.

She added that, since cuts were made to the city's police department nine years ago, she believes the department hasn't had the funding necessary to support its officers and promote community policing.

"I feel that we've never recovered from that," she said. "I will be the law-and-order commissioner."

Love also said she's been disturbed by some of what she's seen during city commission meetings, saying the way meetings are being conducted is "appalling." Without mentioning anyone by name, she pointed

ed to commissioners who have been muted during virtual meetings and threatened to have their microphones cut off.

She appeared to be referring to DeFilippo, the city's mayor, who shouted, "Mute her right now!" in reference to Smith at a meeting last month.

Love said that, if she wins, she wants commission meetings "to be a constant reminder of proper decorum and civility within our dais. For me, that's a starting point."

Unlike Jean, Love was blunt about her take on the Intracoastal Mall project, saying residents of the nearby Eastern Shores neighborhood "were really let down." She called the developer pushing the project — Gil Dezer, whom she also declined to mention by name — a "shady character" who shouldn't be trusted. The public learned in 2018 that Dezer was employing the wife of then-mayor George Vallejo and paying her through secret shell companies Vallejo set up.

Love and Jean brushed off questions about the fact that the city's four white elected officials are all supporting Love, who is white, while two Haitian-American commissioners are supporting Jean. A third Haitian-American commissioner, Michael Joseph, did not respond to an inquiry about whom he's supporting.

About 20% of the North Miami Beach population is Haitian American, according to U.S. Census data. The city in northeast Miami-Dade County "is a true melting pot," said Jean. "That's what I want to focus on: serving my community as a whole."

Love, meanwhile, suggested she would "ignore race" as a city commissioner, just as she did as a teacher.

"As an educator in the classroom, I was colorblind for over four decades. I just have never seen color," she said.

Love added: "This is the time embrace each other and ignore religion, ignore race ... and be as one in one peaceful community, one peaceful dais."

Aaron Leibowitz: 305-376-2235,
@aaron_leib

NOTICE BY THE VILLAGE OF KEY BISCAYNE OF INTENT TO USE THE UNIFORM AD VALOREM METHOD OF COLLECTION OF A NON-AD VALOREM ASSESSMENT

Notice is hereby given to all owners of lands located within the boundaries of the Village of Key Biscayne ("Village") that the Village intends to use the uniform ad valorem method for collecting the non-ad valorem assessments levied by the Village as set forth in Section 197.3632, F.S., and that the Village Council will hold a public hearing on December 8, 2020 at 6:00 p.m. at the Village of Key Biscayne, Council Chamber, located at 560 Crandon Boulevard, Key Biscayne, Florida 33149.

The purpose of the public hearing is to consider the adoption of a Resolution authorizing the Village to use the uniform ad valorem method of collecting non-ad valorem assessments levied by the Village as provided in Section 197.3632, F.S. Copies of the proposed form of Resolution are on file at the office of the Village Clerk, 88 West McIntyre Street, Suite 220, Key Biscayne, Florida 33149.

The Village is considering adopting a non-ad valorem assessment for each year until discontinued, beginning in 2021, for the purpose of collecting solid waste fees and assessments.

This non-ad valorem assessment would be collected for the first time using the uniform ad valorem method of collection, and is currently collected by a direct billing system.

Interested parties may appear at the public hearing to be heard regarding the use of the uniform ad valorem method of collecting such non-ad valorem assessments and/or may submit written comments to the Village Council. Written comments should be received by the Village Clerk on or before December 7, 2020. Any persons desiring to present oral comments should appear at the public hearing.

If any person decides to appeal any decision made with respect to any matter considered at this public hearing, such person will need a record of the proceedings and for such purpose such person may need to ensure that a verbatim record of the proceedings is made at their own expense and which record includes the testimony and evidence on which the appeal is based.

In accordance with the Americans with Disabilities Act of 1990 and Section 286.26, F.S., persons with disabilities needing special accommodation to participate in such public hearing should contact the Village Clerk, Jocelyn B. Koch, at 305-365-5506 at least forty-eight (48) hours prior to the date of the public hearing.

Dated this: 5th day of November, 2020.

Village of Key Biscayne
By: Jocelyn B. Koch, Village Clerk

PUBLISH: Miami Herald

Publication Dates: November 8, November 15, November 22, November 29

NOTICE BY THE VILLAGE OF KEY BISCAYNE OF INTENT TO USE THE UNIFORM AD VALOREM METHOD OF COLLECTION OF A NON-AD VALOREM ASSESSMENT

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The Village is considering adopting a non-ad valorem assessment for each year until discontinued, beginning in 2021, for the purpose of collecting stormwater utility fees and assessments.

This non-ad valorem assessment would be collected for the first time using the uniform ad valorem method of collection, and is currently collected on the Miami-Dade Water and Sewer Authority Department bill.

Interested parties may appear at the public hearing to be heard regarding the use of the uniform ad valorem method of collecting such non-ad valorem assessments and/or may submit written comments to the Village Council. Written comments should be received by the Village Clerk on or before December 7, 2020. Any persons desiring to present oral comments should appear at the public hearing.

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Dated this 5th day of November, 2020.

Village of Key Biscayne
By: Jocelyn B. Koch, Village Clerk

PUBLISH: Miami Herald

Publication Dates: November 8, November 15, November 22, November 29

EXHIBIT B
PROOF OF PUBLICATION
OF
NOTICE BY THE VILLAGE OF KEY BISCAYNE
OF INTENT TO USE THE UNIFORM AD VALOREM
METHOD OF COLLECTION OF A
NON-AD VALOREM ASSESSMENT

Miami Herald Media Company
3511 NW 91 Avenue
Miami, FL 33172

Miami Herald **el Nuevo Herald**

AFFIDAVIT OF PUBLICATION

Account #	Ad Number	Identification	PO
183620	0004803373-10		

Attention:

VILLAGE OF KEY BISCAYNE
88 W MCINTYRE ST
KEY BISCAYNE, FL 331491846

**PUBLISHED DAILY
MIAMI-DADE-FLORIDA**

**STATE OF FLORIDA
COUNTY OF MIAMI-DADE**

Before the undersigned authority personally appeared: **VICTORIA RODELA**, who on oath says that he/she is **CUSTODIAN OF RECORDS** of The Miami Herald, a daily newspaper published at Miami in Miami-Dade County, Florida; that the attached copy of the advertisement that was published was published in said newspaper in the issue(s) of:

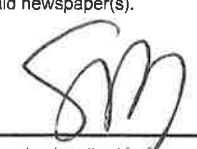
Publication: Miami Herald

Zone: MIA-Full Run

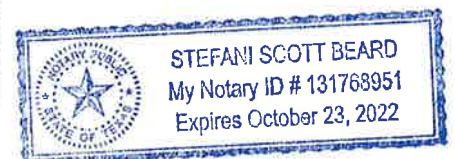
November 29, 2020



Affiant further says that the said Miami Herald is a newspaper published at Miami, in the said Miami-Dade County, Florida and that the said newspaper has heretofore been continuously published in said Dade County, Florida each day and has been entered a second class mail matter at the post office in Miami, in said Miami-Dade County, Florida, for a period of one year next preceding the first publication of the attached copy of advertisement; and affiant further says that he/she has neither paid or promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper(s).



Sworn to and subscribed before me this
1st, day of December, 2020



**NOTICE BY THE VILLAGE OF KEY
BISCAYNE OF INTENT TO USE THE
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Dated this 5th day of November, 2020.

Village of Key Biscayne
By: Jocelyn B. Koch, Village Clerk

PUBLISH: Miami Herald

Publication Dates: November 8, November 15, November 22, November 29

EXHIBIT C

LEGAL DESCRIPTION OF AREAS SUBJECT TO ASSESSMENT

The Village's corporate boundary as set forth in Section 1.03 of the Village Charter, to wit:

BEGIN at the point of intersection of the West line of Crandon Boulevard with the South line of Crandon Park, said point of intersection also being the Northeast corner of Tract 1 of SUBDIVISION OF A PORTION OF MATHESON ESTATE, KEY BISCAYNE, DADE COUNTY, FLORIDA, according to the plat thereof recorded in Plat Book 46 at Page 86 of the Public Records of Dade County, Florida; thence run Westerly along said South line of Crandon Park, also being the North line of said Tract 1 and its Westerly extension to a point in the waters of Biscayne Bay, said point being 1,200 feet Westerly of the most Northwesterly corner of Tract B of FOURTH ADDITION TO TROPICAL ISLE HOMES SUBDIVISION, according to the plat thereof recorded in Plat Book 53 at Page 39 of the Public Records of Dade County, Florida; thence run Southwesterly, to a point in the waters of Biscayne Bay, said point being the point of intersection with the Southwesterly extension of the Southeasterly line of Lot 7 in Block 1 of MASHTA POINT SUBDIVISION, according to the plat thereof recorded in Plat Book 131 at Page 37 of the Public Records of Dade County, Florida, said point of intersection being 1,000 feet Southwesterly of the most Southeasterly corner of said Lot 7, as measured along the Southwesterly extension of the Southeasterly line of said Lot 7; thence run Southeasterly to a point in the waters of Biscayne Bay, said point being the point of intersection of the Southwesterly extension of the Southeasterly line of Lot 17 of SMUGGLERS COVE, according to the plat thereof recorded in Plat Book 78 at Page 83 of the Public Records of Dade County, Florida, with the Westerly extension of the South line of the Waterway shown on the plat of CANOGA PROPERTIES—KEY BISCAYNE, FLORIDA, according to the plat thereof recorded in Plat Book 65 at Page 88 of the Public Records of Dade County, Florida; thence run Easterly, along the South line of said Waterway and its Westerly and Easterly extensions to a point in the Atlantic Ocean, 500 feet Easterly of the Erosion Control Line, as said Erosion Control Line is shown on the plat thereof recorded in Plat Book 74 at Page 26 of the Public Records of Dade County, Florida; thence run Northerly along a line 500 feet Easterly of and parallel to the said Erosion Control Line to the point of intersection with the Easterly extension of the said South line of Crandon Park; thence run Westerly along the said South line of Crandon Park and its Easterly extension to the Point of Beginning;

AND

BEGIN at the point of intersection of said South line of Crandon Park with the centerline of Crandon Boulevard, said centerline of Crandon Boulevard being the centerline of Tract 10 of said plat of SUBDIVISION OF A PORTION OF MATHESON ESTATE, KEY BISCAYNE, DADE COUNTY, FLORIDA, and its Northeasterly extension; thence run Westerly along the South Line of Crandon Park for a distance of 400 feet; thence run Northerly at right angles to the South line of Crandon Park for a distance of 700 feet; thence run Easterly parallel with the South Line of Crandon Park for a distance of 750 feet more or less to said centerline of Crandon Boulevard; thence run Southwesterly along said centerline of Crandon Boulevard for a distance of 783 feet more or less to the South boundary of Crandon Park and to the POINT OF BEGINNING.

EXHIBIT D

MAP OF AREAS SUBJECT TO ASSESSMENT

